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SERVICE DATE – JULY 23, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 264X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN SALINE
COUNTY, MO

Decided: July 23, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon the Marshall Industrial Lead, a 6.2-mile line of railroad, extending from milepost 0.0 to milepost 2.2, in Saline County, MO. Notice of the exemption was served and published in the Federal Register on June 24, 2008 (73 FR 35721-22). The exemption is scheduled to become effective on July 24, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 27, 2008. In the EA, SEA states that the U.S. Army Corps of Engineers (USACE) commented that it did not have sufficient information to determine whether salvage activities would require a permit under section 404 of the Clean Water Act (33 U.S.C. 1344). Accordingly, SEA recommends that UP be required, prior to commencement of any salvage activities, to consult with USACE regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of USACE.

Comments to the EA were due by July 15, 2008. No comments were filed. Accordingly, the environmental condition recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that, prior to commencement of any salvage activities, UP shall consult with USACE regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of USACE.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary